

MINUTES TOWN OF EAST FISHKILL
TOWN BOARD MEETING
FEBRUARY 10, 2022 7:00
p.m.

REGULAR BOARD MEETING

The Town of East Fishkill's Town Board Meeting on February 10, 2022 was called to order at 7:00 p.m. by Supervisor D'Alessandro with the Pledge of Allegiance to the Flag.

Supervisor's Announcements

Supervisor D'Alessandro stated that the Town Board has started interviews for the board vacancy. Anyone interested in applying for the position should send their resume or letter of interest to the supervisor's office or call 845-221-4303 and they will set up an interview time.

Several monthly calls have been made by Supervisor D'Alessandro and other mayors and supervisors and the County Executive's office regarding any municipality assistance required, Covid issues, or other issues. If anyone needs Covid tests, please come to the Town Hall. They have also been discussing the past ice storm with the County Executive. There were many municipalities without power. Central Hudson was included in several calls and restoration was made relatively quickly. Moving forward, East Fishkill will become a warming/cooling center for the southern section of the County. They have been provided with grant money to pursue this.

Supervisor D'Alessandro had a meeting with Dutchess County Transportation Council a few weeks ago. This group helps facilitate the Transportation Improvement Program. This helped get approval for the Carol Drive bridge replacement. He is pursuing additional funding for the bridge. They have also discussed the Unified Planning Work Program, which is put out every two years. This is federally funded transportation projects for the entire county.

Supervisor D'Alessandro met with the New York State DOT to discuss the Route 82 bridge. The MTA is now on board as well. The bridge will be removed and an at grade crossing at Route 82 will be installed with a pedestrian bridge above the roadway. This will also incorporate a roundabout at Beekman Road. This is a fully funded program by New York State through TIP. Construction may begin in 2024. The Town is waiting the award from the New York State CMAC Grant. This is the second or third year East Fishkill has applied. This year's application is for two roundabouts, one at Trinka Lane and Route 82 and one at Unity Street and Route 82. That area will also be renamed Main Street. This is for an \$8 million grant. It will also include a permanent bypass road behind stores on Route 82. Supervisor D'Alessandro met with members of Central Hudson to discuss new projects

coming into Town. They also discussed the high energy costs. Central Hudson will do a presentation at the March meeting.

Supervisor D'Alessandro attended the Recreation Advisory Board meeting and introduced Councilman Marinaro as the new liaison. They discussed the possibility of a new shared service position for the Recreation Director with Pawling.

There were several meetings with the Highway Superintendent and Councilman Franco as the new liaison. New York State has expanded the MS4 regulations, which will be costly.

There was a meeting today regarding Veterans Memorial Park and the Veterans Council and liaison Councilman Franco. East Fishkill is lucky to have a very involved veterans' population in Town. This proposed park will be going across the street on approximately 3 acres.

Roll Call: Supervisor D'Alessandro asked Town Clerk Cassidy to call the rolls.

Board Members in attendance were

| | | | |
|---------|--------|----------|--------------|
| Anil | Thomas | Emanuele | Nicholas |
| Beephan | Franco | Marinaro | D'Alessandro |

Also in attendance were:

Michael Cunningham, Attorney; Scott Bryant, Engineer; and Mark Pozniak, Comptroller.

Supervisor D'Alessandro stated there would be a presentation by Altice and he introduced Mr. Dulligan. Board Member Franco stated that due to his employment he is required to recuse himself from this conversation.

Mr. Dulligan stated he was here to give a presentation on their Fiber to Home Project. He explained the infrastructure that will be installed as well as permits that will be required from the Town. They will be seeking six permits; 90 East Hook Road, 2 White Pond Road, 67 Pells Road, 1 Ridge Road, 13 Harrigan Road, and 89 Fishkill Road. The construction is not scheduled to happen until 2023. They do try to get permits ahead of time in case schedule gets bumped up. They will also be doing aerial work to extend fiber to customers' homes. It will not be a forced program, but they will be trying to incentivize people to come over to the service.

Board Member Beephan stated a lot of residents complain about the amount of buffering or Internet dropping during the day. He asked if this was a bandwidth issue. Mr. Dulligan stated if he is supplied with addresses, he can look at the network health in those areas. Sometimes there is congestion, so they need to take measures to split nodes to create more capacity, or they add upstream channels to open up the network and create more capacity. Board Member Beephan asked if

this new Altice One would help with these issues. Mr. Dulligan said yes. Board Member Beephan asked if the fiber was already in existence or if this needed to be run all throughout the Town. Mr. Dulligan stated he believes there are areas that already have fiber, but he is not familiar with exactly where they will need to do their aerial work.

Board Member Marinaro asked if they had any idea what the cost of this project would be. Mr. Dulligan as of today it has been hundreds of millions of dollars but he does not have an exact number for the total cost. He believes the total investment will be close to \$1 billion to create their hold footprints, which encompasses New Jersey, New York, and Connecticut. They are also building out their western territories as well. Board Member Marinaro asked if the company intended to do anything about their handling of calls during times of disrupted service. He stated sometimes people can be on the phone for hours waiting for assistance. Mr. Dulligan stated that during the pandemic they did have to shut down some call centers which negatively impacted customer service. They are now putting people back in jobs as well as having to outsource some of that offshore. They are investing a lot of money to increase care. Board Member Marinaro asked if there would be any way for customers to purchase smaller packages to get just the coverage that they need without add-on packages that increase the costs. Mr. Dulligan stated there are some FCC facilitated plans that they participate in which give discounted broadband and various speeds. He will pass that information along. There are certain qualifiers so not everyone may be eligible. He stated their costs are increasing as well.

Supervisor D'Alessandro asked if there was anyone from the public with questions.

Keith Dimaso asked if there would be a program that could supply a dial tone line without Internet services. Mr. Dulligan stated he could not answer that. He stated he believes they are bundled together because they are over the same IP. Mr. Dimaso asked if they were running redundancy with fiber optics and Mr. Dulligan said no, the fiber will have ring technology. Mr. Dimaso stated if they are not forcing anyone into the fiber they will have to have redundancy in the coax. Mr. Dulligan stated they will have both networks operating. Mr. Dimaso asked if they foresee the lowering of prices once it is cheaper to maintain. Mr. Dulligan stated he hoped so and they hope to incentivize people to use the network. The costs are not regulated.

Ed Sloshower stated he is not speaking as a Wappinger Central School District board member but as a parent in the community. He stated the problem is that there is still a certain percentage of students learning from home as well as employees working from home, and no one knows what's going to continue to happen. There are certain areas in Hillside Lake and Stormville that are terrible for reception. He suggested reaching out to Dr. Bonk, the Superintendent of Wappingers or the assistant superintendent to find out where certain areas of low service are.

Supervisor D'Alessandro thanked Mr. Dulligan for the presentation.

Public Hearings:

- 1) Open adjourned Public Hearing to Consider Local Law that would Restrict Construction within Floodways

Motion to open the adjourned Public Hearing to Consider Local Law that would Restrict Construction within Floodways: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Engineer Bryant stated that the Town is responsible for reviewing applications for development in floodplains. This development can be something minor such as an above ground pool or shed all the way to construction of homes or businesses. The Town does not identify the floodplains. They use maps created by the federal government FEMA, who issues floodplain maps. They work within the guidelines of the New York State DEC to limit flood damage. As development has continued they are running out of prime land. People are coming in trying to develop lowlying areas and areas more prone to flooding. The code from the past is being tested more often by these new proposals. They want to clarify the requirements and clear up any gray areas. They want to be specific on inspections for the home inspections and ensure qualified engineers that are experienced in this type of analysis are used. This will ensure the development proposed in these low areas will be done properly if possible. This will include a public hearing process.

Supervisor D'Alessandro stated this will assist with preventing subpar pieces causing homeowner issues later. Engineer Bryant stated some of these properties are through tax sales being purchased by people not knowing the area with expectations of being able to build. If it can be determined to be buildable that is fine but there would be certain requirements that will have to be met. They want the code to be clear with those requirements.

Supervisor D'Alessandro asked if there was anyone from the public to speak for or against this proposed local law. There was no one. He asked if there were any questions or comments from Board members.

Board Member Marinaro asked if they would be monitoring agent between what FEMA has declared a flood area and what can be modified. Engineer Bryant stated there is a floodway area and a floodplain area. In a floodway you cannot build anything. A floodplain can be developed if you can demonstrate that you are not going to impact downstream or the neighbors. In order to do that there is a very extensive analysis that has to be done. Board Member Marinaro asked if that would go through FEMA and Engineer Bryant stated no, the Town would be the administrator. Board Member Marinaro asked if property that had been converted to flood area over the years can cause an owner to declare a hardship and have it

taken off the tax roll. Engineer Bryant stated you can see effects to the map and if you can demonstrate that there is a change in the elevation or that it is not accurate you can go through the appeal process. He does not believe the appeal affects the taxes, it just removes someone from the flood area. Supervisor D'Alessandro stated that the assessor would be the one to talk to about having unusable property removed from the tax rolls.

Board Member Beephan asked if communities such as Lake City would fall into this. Engineer Bryant said absolutely. Board Member Beephan asked if those homeowners would have to get an external review in order to replace a shed or is it just to build a new one. Engineer Bryant stated it is really just for new construction. He stated they do regulate sheds in floodplains, but they do have the discretion to have it reviewed.

a. Close Public Hearing

Motion to close the Public Hearing: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

b. Adopt Neg Dec and Local Law

LOCAL LAW NO. 1 OF 2022

A LOCAL LAW AMENDING CHAPTER 108 OF THE TOWN CODE

SECTION ONE: LEGISLATIVE INTENT

The Supervisor and Town Board understand the environmental impacts associated with constructing in environmentally sensitive areas. Improper construction could harm the property under construction and also have a detrimental impact on surrounding property owners. Neighboring property owners could be subject to flooding on their properties without appropriate solutions to address the cause of their problems. The Supervisor and Town Board intend to protect these neighboring property owners from experiencing water runoff and flooding caused by construction activities occurring at neighboring properties.

SECTION TWO: AMENDMENTS TO SECTION 108-4 OF THE TOWN CODE

The following language in **bold** shall be added and the language that is ~~stricken~~ shall be removed from Section 108-4 of the Town Code:

AREA OF SHALLOW FLOODING

A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth ~~of one~~ **limited** to three feet where ~~no a clearly~~ defined channel ~~does not~~ exists, where the path of

flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD ELEVATION (BFE)

The elevation of the crest of the base or 1% annual chance flood (also known as the 100-year flood).

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to **the construction of new buildings or other structures, such as sheds, pole barns, garages, gazebos, fences, in-ground pools, above-ground pools, hot tubs, decks, and playsets and modifications or improvements to existing structures**, mining, dredging, filling, paving, excavation or drilling operations, **driving of piles, land clearing, grading** or storage of equipment or materials.

FLOODPLAIN OR FLOOD-PRONE AREA or FLOODWAY FRINGE or SPECIAL FLOOD HAZARD AREA (SFHA)

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

PRINCIPALLY ABOVE GROUND

More than 50% ~~At least 51%~~ of the actual cash value of the structure, excluding land value, is above aground.

SECTION THREE: AMENDMENTS TO SECTION 108-6 OF THE TOWN CODE

The following language in **bold** shall be added to the last sentence of subdivision "B" so that it reads:

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town of East Fishkill Town Hall, Building Department, 330 Route 376, Hopewell Junction, New York 12533. **Documents may also be viewed on-line at FEMA's web site.**

SECTION FOUR: AMENDMENTS TO SECTION 108-12 OF THE TOWN CODE

The following phrase in **bold** shall be added to subdivision "F":

A technical analysis, by a licensed professional engineer, **as approved by the Town**, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

SECTION FIVE: AMENDMENTS TO SECTION 108-14 OF THE TOWN CODE

The following provisions in **bold** shall be added as requirements to Section 108-14 of the Town Code:

- **No construction or development shall be permitted within the regulated floodway.**
- **No construction or development shall be permitted within the regulated floodplain unless approved by the local administrator.**
- **Unless waived by the local administrator, a “No Adverse Effect” analysis shall be performed and certified by a trained and qualified licensed professional engineer, as approved by the Town, experienced in performing hydraulic HEC-RAS analyses. The stream analysis shall be performed utilizing current ground-based survey; no aerial topographic data shall be accepted.**
- **The final report of the analysis shall include plans, sections and cross-sections of the affected properties, streams, creeks and/or rivers.**
- **In any area where there is an increase in the Base Flood Elevation (BFE), the lowest adjacent grades (LAG) at all potentially affected structures in the area shall be surveyed, and if a structure's LAG was below the BFE resulting from the proposed development, then it could be assumed that water would enter and damage that structure and/or its contents. Any such identified adverse effects would then be mitigated as a condition of the floodplain development permit.**
- **New mounded septic fields shall not be permitted within a floodplain.**
- **All new development on undeveloped or re-developed properties determined to occur in a flood zone shall meet all design standards required in this Chapter and be submitted to the Zoning Board of Appeals for approval.**

SECTION SIX: SEVERABILITY

If any part of this Local Law is deemed unenforceable by any court of competent jurisdiction, then the remaining parts shall stay in effect.

SECTION SEVEN: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL**

Name of Action: **Adoption of a Local Law to Restrict Construction within Floodways**

For Further Information:

Contact Person: Peter J. Cassidy, Town Clerk
Town Hall, 330 Route 376
Hopewell Junction, New York 12533
(845) 221-4303

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The proposed action would result in revisions to Chapter 108 of the Town Code to further restrict construction within the regulated floodways. It is anticipated that the proposed action would reduce the potential for flooding related to improper construction. Therefore, the proposed action would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON FEBRUARY 10, 2022.

Chairperson/Designee

Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

VOTING

VOTE

| | |
|-------------------------|-----|
| Councilman Franco | AYE |
| Councilman Marinaro | AYE |
| Councilman Beephan | AYE |
| Supervisor D'Alessandro | AYE |

Motion to adopt the Negative Declaration and Local Law: Board Member Franco.
Seconded: Board Member Beephan. All voted in favor. Motion carried.

- 2) Open Public Hearing to consider Local Law that would consider increasing the Exemption Benefits allowed to Veterans.

Motion to open the Public Hearing to consider Local Law that would consider increasing the Exemption Benefits allowed to Veterans: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated this has been discussed several times. One thing they can do to get more benefits for veterans is to increase the exemption.

Attorney Cunningham stated the Town has the option to update its code so that veterans will be entitled to the maximum benefits that are permitted under the law. It would be an exemption of \$75,000 for all veterans and an additional \$50,000 on top of the \$75,000 for combat veterans. There would be a \$250,000 exemption for disabled veterans. His recommendation is that the Board hear any comments tonight and leave the Public Hearing open. The State has been providing additional guidance recently on the implementation of these enhanced exceptions so that would leave flexibility in case something needs to be added.

Supervisor D'Alessandro asked if there were any questions or comments from the public. There was no one. He asked if there were any questions or comments from Board Members.

Board Member Marinaro asked if the same thing could be done for first responders, law enforcement and local volunteer first responders. Attorney Cunningham stated he would do further research on that. Supervisor D'Alessandro stated he did research on it and the credit they get as an income tax credit is greater than any exemption the Town would give them on an assessment. They can only have either the exemption or the income tax deduction, but not both. Board Member Beephan stated a lot of people already use the income tax deduction.

Supervisor D'Alessandro stated they would adjourn this public hearing until they get the full guidance from New York State. He stated there is also a letter from the Assessor, Mayor Martin, which was read into the record.

a. Adjourn Public Hearing

Motion to adjourn the Public hearing: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

3) Open Public Hearing to consider Local Law that would consider authorizing issuance of Appearance Tickets for Town Code Violations by the Town Police Department.

Motion to open the Public Hearing to consider Local Law that would consider authorizing issuance of Appearance Tickets for Town Code Violations by the

Town Police Department: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated that there are times when someone is issued a stop work order or is in violation of something and they will do work on off hours so no one sees them. The Police Department will now be able to issue them for violations for town codes.

Attorney Cunningham stated this will clarify that the Town Police can issue appearance tickets for any code violations.

Police Chief Bellino stated that this makes it very clear that the Police Department has the authority to issue these appearance tickets.

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this proposed local law. There was no one. He asked if there was anyone from the Board.

Board Member Marinaro asked if it will be giving them a ticket to appear before the judge or the building Department. Supervisor D'Alessandro stated it would be to the judge.

a. Close Public Hearing

Motion to close the Public Hearing: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

b. Adopt Neg Dec and Local Law

LOCAL LAW 2 OF 2022

**A LOCAL LAW AMENDING LOCAL LAW 4-2013 WITH RESPECT TO
DEPARTMENT OF ENGINEERING; CODE ADMINISTRATION**

SECTION ONE: LEGISLATIVE INTENT

Local Law 4-2013 provides for the issuance of appearance tickets by various officials for violations of the Zoning Law and the NYS Building Code. Some questions

have been raised as to whether or not a Police Officer may issue such ticket too. To resolve any ambiguity this Local Law is adopted.

SECTION TWO: APPEARANCE TICKETS

Section 80-20(c) of Local Law 4 of 2013 is amended by inserting Police Officers to the list of persons authorized to issue appearance tickets.

SECTION THREE: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL
PETER CASSIDY, TOWN CLERK**

**Adopted on the 10th day
of February 2022**

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: February 10, 2022

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of East Fishkill Town Board has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action: Adoption of a Local Law Authorizing Issuance of Appearance Tickets
for Town Code Violations by the East Fishkill Police Department**

Description of Action: The proposed action is the adoption of a Local Law that would authorize the East Fishkill Police Department to authorize the issuance of Town Code violations.

SEQR Status: Type I _____ Conditioned Negative Declaration? ____ Yes

 Unlisted x X
 No

Location of Action: Town of East Fishkill, County of Dutchess

The following documentation was analyzed in making this negative declaration:

☒ Short Form EAF

☐ Supplemental Part III Information

☐ Storm Water Pollution Prevention Plan (SWPPP)

☐ Other (Describe)

Name of Action: **Adoption of a Local Law Authorizing Issuance of Appearance Tickets for Town Code Violations by the East Fishkill Police Department**

For Further Information:

Contact Person: Peter J. Cassidy, Town Clerk
Town Hall, 330 Route 376
Hopewell Junction, New York 12533
(845) 221-4303

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The proposed action would result in the adoption of a Local Law authorizing the issuance of appearance tickets for Town Code violations by the East Fishkill Police Department. The proposed action is administrative in nature and would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON FEBRUARY 10, 2022.

Chairperson/Designee

Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.

- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

| <u>VOTING</u> | <u>VOTE</u> |
|-------------------------|--------------------|
| Councilman Franco | AYE |
| Councilman Marinaro | AYE |
| Councilman Beephan | AYE |
| Supervisor D'Alessandro | AYE |

Motion to adopt the Negative Declaration and the Local Law: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

4) Open Public Hearing to Consider Local Law that would consider a Moratorium on Route 82

Motion to open the Public Hearing to consider Local Law that would consider a Moratorium on Route 82: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Supervisor D'Alessandro stated the Town Board has been discussing division of the Hamlet. They did have the Economic Development Director coming January to the workshop to give a presentation. The community is very excited about it. They need to make sure that there is adequate time to do studies and possibly set architectural standards for new construction to mesh with the vision that the Economic Director presented.

Attorney Cunningham stated that the town has been working on obtaining a grant specifically for a Congestion Mitigation Air-Quality Grant, and to create a traditional Main Street on Route 82. The moratorium would expire on November 30 of this year. It would be in place to ensure that the Town has all necessary infrastructure in place and to maximize the standards for maximizing the aesthetic appeal of the corridor. This would allow the Town to hire the necessary consultants to implement the Town's plan to turn this into an attractive Main Street area.

Supervisor D'Alessandro asked if there was anyone in the public to speak for or against this proposal.

Economic Development Director Patrick Manning stated he is also a lifelong resident of East Fishkill. This will be the first step in the Town's vision for the Hamlet of Hopewell. The need for this moratorium is apparent as applicants are asking boards for design specifications and there is nothing specific in place to define traditional style. He commends the Board for taking the opportunity to define what the Town will look like for generations to come.

Anthony Morando, a land use attorney stated he is working on several projects in the Town. He asked exactly what parcels are subject to this moratorium. He asked if it extended north of Beekman Road. Supervisor D'Alessandro stated it is to the south of Beekman Road. It would not incorporate Beekman Road.

Elizabeth Sconti thanked the Board for taking the time to take this pause with the moratorium.

Mike Nessler stated he owns Hopewell Storage in town. He stated he was born and raised in this town. It is obvious that the Town officials are working to change the image of the Hamlet of Hopewell. They want a quaint, picturesque, pedestrian friendly area. He does greatly appreciate the effort to make these changes. This will give the other town boards a clear definition of what they're looking for. It also gives perspective developers an idea of exactly what the Town is looking for. He stated his issue is with the Town pushing for redevelopment in the Hamlet and now it is possibly starting conceptually they are slamming the door on it. He would have suggested a more conditional moratorium. Just because the property fronts on Route 82 does not mean it is visible from Route 82. He also believes there should be a discrepancy between existing businesses versus a new business. If an existing business wants to expand, they would more than likely keep the color scheme that they currently have. It would not affect the image as much as a brand-new business. He also feels applications before boards should be excluded. As interest rates are only going to go up damage can be done to applicants and their projects are pushed off.

Attorney Cunningham read Section 2 of the moratorium verbatim regarding new applications and internal modifications. He stated there are some limiting factors in the moratorium. Supervisor D'Alessandro stated section 2 should be changed to read 50% not 30%.

Supervisor D'Alessandro asked if there was anyone else to speak for or against the moratorium. There was no one else.

Board Member Marinaro stated they have been discussing the redesign of the "downtown" area for several years. This is not an easy task. They don't want to spend money hiring professionals when they also want to hear from the public. The intent is in favor of the community, including the business community.

Board Member Beephan stated the Town Board, the professionals and Mr. Manning have put a lot of effort into their ideas for redeveloping what the Hopewell Hamlet should look like. To allow continued expansion could be a disservice to all the work already put forward. This does not really impact the existing buildings or any minor modifications occurring.

Board Member Franco stated this Board has always been pro-development but they also recognize if there is an issue. There are times when they need to take a break. They are in favor of developments but it needs to be smart development. They need to get these things right.

Supervisor D'Alessandro stated this is a double-edged sword. They do want smart development. Sometimes it does cost people money due to interest rates for construction expenses and it is a difficult decision but they do need to make sure they plan properly.

a. Close Public Hearing

Motion to close the Public Hearing: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

b. Adopt Neg Dec and Local Law

LOCAL LAW NO. 3 OF 2022

**A LOCAL LAW ESTABLISHING A MORATORIUM ON ROUTE 82 FROM
PALEN ROAD TO BEEKMAN ROAD**

SECTION ONE: LEGISLATIVE INTENT

Over the last few years the Town Board has been working on obtaining State Funds to upgrade Route 82 in the Town of East Fishkill. As part of this effort, the Town has also sought ways to create a sense of community and Town Center in the area from Palen Road to Beekman Road on Route 82. Previously the Town Board has modified the zoning rules to allow more creative reuses in the area.

Recently the Town Board has requested permission from NYS DOT to rename this portion of Route 82 as Main Street. It is now apparent that more steps are necessary to redefine this area. The Town Board is in the process of retaining a planning and architectural consultant to assist in developing comprehensive zoning as well as architectural standards for this area.

SECTION TWO: MORATORIUM

No agency or Board of the Town will accept, review or process any application for construction of new buildings, or expansion or modification of existing uses by more than 50% during the effective dates of this Law. Nothing herein will prevent internal modifications, etc.

SECTION THREE: STAFF DIRECTIVE

The town planning and engineering staff shall develop and propose to the Town Board a plan to modify Zoning and Architectural standards for this area.

SECTION FOUR: EVALUATION

The Town Supervisor will recommend a planning consultant to the Town Board within 30 days to assist with the evaluation of the Industrial Zoning Districts.

SECTION FIVE: DURATION

This moratorium shall expire on November 30, 2022 unless further extended or shortened by this Board.

SECTION SIX: AUTHORITY

The Zoning Board of Appeals is hereby vested with the authority to issue interpretations and variances from this law as may deem appropriate on the particular facts and circumstances.

SECTION SEVEN: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF EAST FISHKILL
PETER CASSIDY, TOWN CLERK**

**Adopted on the 10th day
of February 2022**

NEGATIVE DECLARATION Notice of Determination of Non-Significance

Date: February 10, 2022

Contact Person: Peter J. Cassidy, Town Clerk
Town Hall, 330 Route 376

Hopewell Junction, New York 12533
(845) 221-4303

REASONS SUPPORTING THIS DETERMINATION:

(See 617.7(c) for requirements of this determination; see 617.7(d) for conditioned Negative Declaration)

The proposed action would result in a moratorium on Route 82 in the area from Palen Road to Beekman Road in order to develop new zoning and architectural standards for the area. The proposed action would not be expected to result in any significant adverse impacts on the environment for the following reasons:

1. It will not generate a significant amount of additional vehicles, noise or emission levels.
2. It will not affect rare or endangered species of animal or plant, or habitat of such species.
3. It will not result in any impacts to historic or archeological resources.
4. It will not result in any impacts related to hazardous materials.
5. It will not result in a significant effect on air, water quality or ambient noise levels for adjoining areas.
6. It will not be subjected to unacceptable risk of flooding or major geological hazards.
7. It will not have a substantial aesthetic affect.
8. It will not involve adversely affect any surface water or groundwater.
9. It will not allow for improper uses within specified zoning districts.
10. It will not result in adverse cumulative impacts.
11. It will not result in adverse growth-inducing impacts.
12. It will not conflict with the Town's Comprehensive Plan.

In conclusion, no significant potential impacts were identified as a result of the Proposed Action.

Based on a review of 6NYCRR 617.7, there appear to be no significant adverse environmental impacts.

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE TOWN BOARD OF THE TOWN OF EAST FISHKILL HELD ON FEBRUARY 10, 2022.

Chairperson/Designee

Date

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

- Commissioner, Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001
- Appropriate Regional Office of the Department of Environmental Conservation.
- Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.
- Applicant (if any)
- Other involved agencies (if any)

VOTING**VOTE**

| | |
|-------------------------|-----|
| Councilman Franco | AYE |
| Councilman Marinaro | AYE |
| Councilman Beephan | AYE |
| Supervisor D'Alessandro | AYE |

Motion to adopt the Negative Declaration and the Local Law as amended: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Approve Minutes:

January 27, 2022

Motion to approve the minutes for the January 27 meeting: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Announcement of Additions to the Agenda:

Supervisor D'Alessandro said there are no additions to the agenda.

Courtesy of the Floor:

Supervisor D'Alessandro asked if there was anyone who wanted to speak about any general town issues.

Maria informed the Board of an incident she had and the actions that were taken by a local medical group. She asked if the Town could take any actions. Attorney

Cunningham stated he believes she would need to make a complaint to the state medical board because they provide the licenses. The town does not have anything to do with that.

A Past resident and former councilman for Beacon stated he came to voice his displeasure for both the county and the Town of East Fishkill for promoting vaccinations for children against Covid 19. He provided statistics regarding possible issues with vaccinated individuals.

Mr. Dimaso spoke about the redesign of Main Street/Route 82 and the roundabouts.

Receive and File:

Supervisor D'Alessandro stated there was nothing for receipt and file.

Resolutions:

1. Award Concession Stand Bids for Red Wing Park and Main Park and Soccer Field

RESOLUTION

(GRANTING CONCESSION FACILITY USE PRIVILEGES)

WHEREAS, on various recreational sites owned and operated by the Town, there are concession facilities; and

WHEREAS, the Town Board has reviewed request for proposals for various vendors to utilize the concession facilities on these sites to serve the users of the facilities over the summer months; and

WHEREAS, the Town Board has reviewed the references, the menus and other issues pertaining to the vendors; and

WHEREAS, it is the desire of the Town Board to authorize the use of the concessions;

NOW, BE IT RESOLVED, that the Rt. 376 Hopewell Recreation Concession Facility may be utilized from April 30, 2022 through October 1, 2022 by Amani's Kitchen upon payment to the Town of the sum of **\$1,000.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, THEREFORE, BE IT RESOLVED, that the Rt. 52 Complex Concession Facility may be utilized from April 30, 2022 through October 1, 2022 by East

Fishkill Soccer Club upon payment to the Town of the sum of **\$500.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

NOW, BE IT FURTHER RESOLVED, that the Red Wing Park Concession Facility may be utilized from April 30, 2022 through October 1, 2022 by Amani's Kitchen upon payment to the Town of the sum of **\$500.00** and upon agreement of the vendor to be open during all activities and events at the site as set forth in the annexed proposal and report what the net actually was; and

BE IT FURTHER RESOLVED, that all of the vendors shall sign a letter agreement as prepared by the Town Attorney and provide to the Town Attorney for approval, Certificates of Insurance prior to entering upon the use of the concession facilities. Renovations and/or improvements proposed in said bids shall be agreed upon after inspection from the Recreation/Highway Department.

Motion to Award concession stand bids for Red Wing Park, the main park, and the soccer field: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

2. Declaring Police Vehicles Surplus and Authorize Auction of Same

RESOLUTION

(DECLARING CERTAIN VEHICLES SURPLUS AND AUTHORIZE THE AUCTION OF SAME)

WHEREAS, the East Fishkill Police Department has provided the Town Board with a list of vehicles and equipment which is deemed to be of no further use to the Town and thus, should be considered surplus; and

WHEREAS, the following are being requested to be declared surplus material and sold and or disposed of; and

Vehicles removed from patrol fleet scheduled for auction

| | |
|--------------------|-----------------------|
| 2013 Ford Explorer | VIN 1FM5K8ARXFGC41538 |
| 2013 Ford Taurus | VIN 1FAHP2M87DG175780 |
| 2013 Ford Taurus | VIN 1FAHP2M89DG175781 |
| 2013 Ford Taurus | VIN 1FAHP2MK2DG213539 |

Trailer removed from Police Department

2001 Smart Speed Enforcement Trailer VIN: 1K9BS08191K118156

WHEREAS, the Town Board has reviewed said list and concurs; and

NOW, THEREFORE, BE IT RESOLVED, that the vehicles hereby are declared to be surplus and are to be disposed of by participating in an auction process held by Absolute Auctions & Realty without cost to the Town; and

BE IT FURTHER RESOLVED, that the sale of said vehicles shall be further approved by this Board.

Motion to declare police vehicles surplus and authorize auction of same: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

3. Authorize Hiring Part-Time Police Assistant

Supervisor D'Alessandro stated this resolution was being tabled.

4. Authorize the Hiring of Summer Camp and Red Wing Directors

RESOLUTION

(AUTHORIZING HIRING OF DIRECTORS FOR CAMP AND RED WING LAKE)

WHEREAS, the Town of East Fishkill conducts extensive summertime programs for the Town; and

WHEREAS, the Recreation Director has submitted a letter to the Town Board with the names of two Directors and their seasonal salaries attached hereto; and

WHEREAS, the Recreation Director recommends that the Town Board rehires Danielle Keenan as Camp Director and Katherine Froelich as Red Wing Director; and

WHEREAS, it is the desire of the Town Board to authorize the hiring of a Camp Director and a Red Wing Lake Director for this summer season; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby appoints Danielle Keenan to Camp Director and Katherine Froehlich to Red Wing Director at the seasonal salary of \$10,500; and

BE IT FURTHER RESOLVED, that employment shall be for the period of time from which they are hired until the conclusion of their summertime program; and **BE IT FURTHER RESOLVED**, that upon completion of their task they shall be removed from the payroll unless further ordered by the Town Board.

Motion to authorize the hiring of Summer Camp and Red Wing Directors: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

5. Authorize Transfer of Police Service Weapons to Retirees

RESOLUTION **(AUTHORIZING TRANSFER OF SERVICE WEAPONS)**

WHEREAS, Officers Mark DiDato, Robert Schumacher and Ryan Angioletti recently retired from the Police Department; and

WHEREAS, it is customary to allow a retiring officer to retain his service weapon;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is authorized to transfer the weapons to the above retirees.

Motion to authorize the transfer of police service weapons to retirees: Board Member Marinaro. Seconded: Board Member Franco. All voted in favor. Motion carried.

6. Award Water and Sewer Tree Removal Bid

Supervisor D'Alessandro stated this resolution was being tabled.

7. Authorize a Retirement Incentive

RESOLUTION **(AUTHORIZE A RETIREMENT INCENTIVE PAYMENT)**

WHEREAS, the Town Comptroller has submitted a Retirement Incentive Payment plan for current CSEA employees to the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the attached document outlines such a Retirement Incentive Payment plan with terms thereof as it relates to CSEA current employees; and

BE IT FURTHER RESOLVED, that the Town Board does and hereby authorizes a Retirement Incentive Payment for CSEA employees as per described in the Town Comptroller Memo that is attached herein.

Motion to authorize a Retirement Incentive as amended: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

8. Approve New Dumpster Program for Senior Residents (Age 65 & Older)

RESOLUTION

(APPROVE NEW DUMPSTER PROGRAM FOR SENIOR RESIDENTS)

WHEREAS, the Town Board from time to time reviews all fees and programs charged by the various departments of the Town; and

WHEREAS, the Town Board is asked to authorize a modification of the existing Town Clerk's Dumpster Program and current fee schedule; and

NOW, THEREFORE, BE IT RESOLVED, that the annexed list of fees shall be established for calendar year 2022 as the fees to be charged for the use of Senior Residents (age 65 and over) for disposal of permitted debris to be taken to the Royal Carting Solid Waste Transfer Station;

BE IT FURTHER RESOLVED, the Town Board approves the attached list of fees and permitted debris for 2022.

Motion to approve a New Dumpster Program for senior residents (Age 65 & Older): Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

9. Authorize Promotion in the Recreation Department

RESOLUTION

(AUTHORIZE PROMOTION IN THE RECREATION DEPARTMENT)

WHEREAS, the Town Supervisor identified the need to create an Assistant Recreation Director position; and

WHEREAS, it has been established by Dutchess County Human Resources that there is no mandatory list for said title; and

WHEREAS, the Town Supervisor recommends promoting Christine

Selback into the position; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby appoints Christine Selback to Assistant Recreation Director; and

BE IT FURTHER RESOLVED, such person will be paid pursuant to the CSEA Collective Bargaining Agreement Salary Schedule Level 5a with oncall pay, effective February 14, 2022.

Motion to authorize a promotion in the Recreation Department: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

10. Accept Proposal from HVEA for Curve Realignment on Route 376 at the Whortlekill Creek

RESOLUTION

(ACCEPT PROPOSAL FROM HVEA FOR CURVE REALIGNMENT ON ROUTE 376 AT THE WHORTLEKILL CREEK)

WHEREAS, the Town Engineer and the Town Board has discussed a major concern within the Town; and

WHEREAS, it has been determined that an evaluation of the curve on Route 376 at the Whortlekill Creek is necessary to protect public safety; and

WHEREAS, it is the desire of the Board to formally request that HVEA evaluate a curve realignment on Route 376 at the Whortlekill Creek for the purpose of obtaining grant funding; and

WHEREAS, a proposal has been received and reviewed from Hudson Valley Engineering and Associates P.C.; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor be and hereby is authorized to execute a proposal with Hudson Valley Engineering and Associates P.C in accordance with the proposal received by the Board for an amount not to exceed \$29,400.00 to determine the design criteria, proposed geometry and associated impacts of the realignment of the curve on Route 376 at Whortlekill Creek to enable pursuit of a future project to improve this location.

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Motion to accept the proposal from HVEA for curve realignment on Route 376 at the Whortlekill Creek: Board Member Marinaro. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Additions to the Agenda by Majority Vote:

None.

Budget Transfer:

None.

Comments from Town Board Members:

Highway Superintendent Williams stated they have been putting in early hours keeping up with the ice. There are now quite a few potholes. They have been patching them and trying to keep the roads as safe as possible from the ice. If you can stay home, please do so. They responded to a few ice events and are trying to work with the police department to respond on their calls as well. He thanked his department for all their help and hard work.

Police Chief Bellino stated the Police Department also has Covid tests if anyone needs them. They have reevaluated their radio transmissions and equipment and they have replaced their radio dispatch systems. They did get the equipment on state bid. It was all installed and functioning today. He thanked the Comptroller for his assistance.

Town Clerk Cassidy stated Town Cleanup Day is April 2. Registration is 8 AM to 8:30 AM at the Town Hall.

Board Member Beephan thanked everyone at the Highway Department, Police Department, and Fire Department for everything they have been doing for the Town, especially during the past couple snowstorms.

Board Member Marinaro stated he had his first meeting with the Recreation Department staff two weeks ago. They discussed a lot of things where improvements could be made. This past Monday was a meeting of the Recreation Advisory Board and the meeting with the sports league leaders. There were a lot of ideas exchanged and soon the programs will start. This Tuesday there was another Recreation Department staff meeting and they discussed improvements on certain fields, especially at the Lime Kiln facility. The youth basketball league meets on Saturdays and Sundays at Gayhead Elementary School, Van Wyck, and John Jay. Coed volleyball and men's pickup basketball we will continue through March. They meet on Sunday mornings at Van Wyck. Volleyball also meets Tuesday nights. The annual Easter egg hunt will take place from 1 PM to 3 PM on April 9 at the Community Center. Refreshments will be served. April 9 is also opening day for basketball, softball, and soccer and he believes there will be a parade that day. If you have any questions, please contact him. They are all very excited about the possibility of the shared services Recreation Director. It is still in the works and as soon as it is definite it will be announced to the community.

Board Member Franco thanked the Highway Department for all of their hard work during the storms. He wanted the public to be aware how much money the Highway Department saves by doing a lot of mechanical work. There was a meeting today with Saratoga Associates. They are the architects for the Veterans Memorial Park. It was a great meeting. They presented approximately 9 different renditions and they walked the property. This is still in the early planning stages. They are still hopeful something might get done this year.

Supervisor D'Alessandro stated that April 2 is Town Cleanup Day. Retired police officer Ryan Angioletti's mother passed away last night. She was a longtime town resident. His condolences go out to the family.

Motion for Adjournment: Time: Motion to adjourn the regular meeting at 9:01 PM: Board Member Franco. Seconded: Board Member Beephan. All voted in favor. Motion carried.

Town Board Meetings: **Regular Meeting:** **February 10, 2022**

Respectfully submitted by Julie J. Beyer on behalf of Town Clerk Peter Cassidy –
February 28, 2022